

REMARKS/ARGUMENTS

Claim amendment

Claims 1 and 20 have been amended to include the limitations of claim 3 and claim 3 is cancelled as a consequence. A consequential amendment is also made to claim 4.

Claim 20 is also amended to refer to use of the fuel-forwarding equipment, as in claim 23.

Claims 1, 2, 14 and 20 – 22 have been rejected under 35 USC 102(b) as being anticipated by U.S. patent no. 5, 518, 140 (Lenz et al.)

Claim 1 has been amended to include the subject matter of claim 3. The rejection is moot regarding claims 1, 2 and 14. Claim 1 as amended is not anticipated by Lenz et al.

Claim 20 is also amended to include the limitations of claim 3, as well as claim 23, and is allowable for the same reason.

Hence, each of claims 1, 2, 14 and 20 – 22 are allowable.

Claims 1 through 23 have been rejected under 35 USC 103(a) as unpatentable over US patent no. 4,394,027 (Watkins, Jr.) in view of US patent no. 3,724,703 (Yamamoto).

Applicants respectfully traverse this rejection. Watkins, Jr. teaches a tanker that is used to refill planes at an airport. Yamamoto teaches a tanker for transporting cryogenic fluids. Applicants, however, are claiming a tanker that serves to transport and store fuel at a remote site.

As recognized by the Examiner, Watkins, Jr. does not teach a double-walled tank. The Examiner has suggested that it would be obvious to include a double-walled tank based on Yamamoto for leak containment. Applicants respectfully disagree. Yamamoto relates to transporting cryogenic fluids, and therefore addresses different concerns than the transportation and storage of fuel. For

Examiner A. Michael CHAMBERS

example, a cryogenic fluid leak results in vapourized gas, and not a spill to be cleaned. On the other hand, evaporating gases result in large changes in pressure beyond those encountered when transporting fuel. Yamamoto includes multiple shells for insulation and for strength, but not for leak containment. Indeed, a person of ordinary skill would be surprised if Yamamoto was concerned with leak containment, as any cryogenic fluids that escape the inner shell evaporate and are removed by the vacuum pump for leak detection.

The Applicant also submits that leak containment would provide insufficient motivation to modify Watkins, Jr. to have a double-walled tank. The tanker taught by Watkins, Jr. is single-walled, and as with other single walled tankers, is sufficiently safe to transport hazardous fluid such as jet fuel. When full, the tanker is in constant use, and is not left unattended for the long periods of time that would be required for a leak to cause a concern. A storage tank, however, must be capable of being left unattended for long periods of time. According to the industry's understanding of fuel transportation, adding a second wall would increase the weight and expense of the tank, without any tangible benefit. A person skilled in the art would therefore have no reason to look beyond the teachings in the art related to transporting fuel, which so far as known are directed toward using a single-walled tank.

Claim 1 refers to a highway tank for onsite storage of fuel that comprises a double-walled tank. The tank can therefore be used to (1) transport of fuel, (2) store fuel onsite, and (3) deliver fuel onsite. Watkins Jr. is concerned solely with the transportation and delivery of jet fuel. Watkins Jr. does not teach using the tank for onsite storage of fuel, and leak containment is insufficient motivation to modify Watkins Jr. to have a double-walled tank used with cryogenic tanks that do not contain leaks.

In combining the elements as claimed, Applicants have obtained the unexpected result that the highway tank can be left at a remote site, which allows users to save time and money in setting up remote fueling sites. Current industry practice involves transporting an empty storage tank to a remote site and a highway tank filled with fuel. The fuel is transferred to the storage tank, which is left on site, and the now empty highway tank is removed. By contrast, the claimed

Examiner A. Michael CHAMBERS

highway tank now permits users to fill the tank, transport it to the site, and use it to store the fuel on site. None of the references cited by the Examiner suggest that such a result may be obtained. For example, Yamamoto teaches away from using the same tank for transport and storage tank at col. 2, lines 46 – 51, where a clear distinction between storage tanks and transport tanks, even constructed with the same structure, is made.

Claims 20 through 23 recite methods of transporting and storing fuel. Claim 20 highlights the fact that a double walled tank is used for both transportation and storage of fuel, whereas the current industry practice is to provide a separate tank for each function, which is also taught by Yamamoto. Based on arguments similar to those above, it is respectfully submitted that one skilled in the art would not be lead to the claimed method based on Watkins, Jr. in view of Yamamoto.

Furthermore, while the Examiner argues that Watkins, Jr. “stores” the fuel on site until it is used, the Applicant respectfully disagrees. Watkins, Jr. is not designed or intended to store fuel, but rather to transport the fuel to where it is required.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

Respectfully submitted.

March 9, 2009.



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